

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF WISCONSIN

3 * * * * *

4 ESTATE OF MICHAEL EDWARD BELL, by Special
5 Administrator Michael Martin Bell, KIM MARIE
6 BELL, MICHAEL MARTIN BELL, and SHANTAE BELL,
7 Plaintiffs,

8 vs. Case No. 05-C-1176
9 OFFICER ERICH R. STRAUSBAUGH, OFFICER ERICH S.
10 WEIDNER, LIEUTENANT DAVID H. KRUEGER, OFFICER
11 ALBERT B. GONZALES, KENOSHA POLICE DEPARTMENT,
12 CITY OF KENOSHA,

13 Defendants.

14 * * * * *

15 DEPOSITION OF SHANTAE BELL

16 TAKEN AT: Cannon & Dunphy, SC
17 LOCATED AT: 595 North Barker Road
18 Brookfield, WI

19 March 6, 2006
20 2:24 p.m. to 3:28 p.m.
21 REPORTED BY ANITA K. FOSS
22 REGISTERED PROFESSIONAL REPORTER

23 * * * * *

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1 A P P E A R A N C E S
2 CANNON & DUNPHY, S.C., by
3 Mr. Patrick O. Dunphy
4 595 North Barker Road
5 Brookfield, WI 53008-1750
6 Appearing on behalf of the Plaintiffs.

7 GUNTA & REAK, SC, by
8 Mr. Kevin P. Reak
9 219 North Milwaukee Street, 5th Floor
10 Milwaukee, WI 53202-5818
11 Appearing on behalf of the Defendants.

12 ALSO PRESENT: Kim Bell
13 Michael M. Bell
14 Erich Strausbaugh
15 Erich Weidner
16 Albert Gonzales
17 David Krueger

18 I N D E X

19	Examination by	Page
20	Mr. Reak.	3

21 E X H I B I T S

22		Page
23	Exhibit No.Description	Identified

24 (There were no exhibits marked.)

25 R E Q U E S T S

 (There were no requests made.)

1 he's kind of bouncing between the elbows and
2 the knees?

3 A Yeah. His arms were behind his back.

4 Q His arms were behind his back?

5 A Yes, they were.

6 Q Now, is it your testimony that he was wearing
7 handcuffs?

8 A Yes.

9 Q When did you first see handcuffs?

10 A When I realized they were officers, his arms
11 weren't moving, he wasn't fighting back, he
12 wasn't trying to throw a punch, he wasn't
13 doing anything, and that's -- I mean, you
14 would think if someone's getting beat on by
15 two people, that would be the first thing, why
16 isn't he fighting? His arms are behind his
17 back.

18 Q Did you actually see the handcuffs?

19 A Yes, I did.

20 Q Did you see the handcuffs on both wrists?

21 A I know for sure I seen it on the right. I'm
22 not quite sure. There was a lot of stuff to
23 take in.

24 Q Have you looked at the autopsy photos?

25 A No. I'd rather not see them. I've got told

1 Q What happens next? I think you started to say
2 that some other officer came up?

3 A Gonzales, I guess, was coming up the driveway.
4 But I remember hearing, "He's got my gun," or,
5 "He's going for my gun, he's going for my
6 gun." And at that time, I believe the officer
7 was, like, right there at where -- all three
8 of the officers were -- came up on
9 Strausbaugh's right side.

10 Q This is Gonzales, you're talking about?

11 A Yeah. Gonzales came up on Strausbaugh's right
12 side, which would be right almost in front
13 of -- also by the fender.

14 Q So then there were three officers?

15 A Uh-huh.

16 Q What happened next?

17 A We're screaming, "Please help us, please help
18 us." "He's going for my gun." We are
19 screaming, "No, he doesn't have it. Don't
20 hurt him. Don't kill him. He doesn't have
21 your gun." I heard somebody yell, "Shoot,
22 shoot." You seen the arm go up like this
23 (indicating).

24 Q Who yelled, "Shoot, shoot"?

25 A I don't know. You seen whoever had the gun,